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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,701	03/09/2001	David Greene	1991-00100	6900
23505	7590	02/27/2006		
CONLEY ROSE, P.C. P. O. BOX 3267 HOUSTON, TX 77253-3267			EXAMINER KARMIS, STEFANOS	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/802,701

Applicant(s)

GREENE ET AL.

Examiner

Stefano Karmis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed 07 December 2005.

Status of Claims

2. Claims 1 and 8 are currently amended. Claims 7, 14 and 15 are previously presented. Claims 2-5, 9-13 and 16-18 are originally filed. Claim 6 is cancelled. Therefore claims 1-5 and 7-18 are currently pending.

Response to Arguments

3. Applicant's arguments with respect to claim 1-5 and 7-18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See

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MPEP § 2172.01. The omitted elements are: a real-time transfer of funds to an online brokerage account. While claim 1 states “authorizing a real-time transfer of investment funds to said online brokerage account;” there is no recitation in claim 1 of actually transferring the funds.

Authorizing a real-time transfer of funds only provides for authorization and not the actual transfer. For examination purposes, it is assumed by the Examiner that the Applicant intends to include a limitation for a real-time transfer of funds after the authorization step in claim 1, however correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 7-10, 12, and 14-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Wallace et al. (hereinafter Wallace) U.S. Patent 6,968,317.

Regarding claim 7, Wallace discloses an online trading system that comprises: at least one computer coupled to a network and configured to maintain a brokerage account database (column 6, lines 20-28 and Figure 2); and at least one computer coupled to the network and

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configured to use a plurality of web page templates to service web page requests received over the network (column 3, line 57 thru column 4, line 4 and Figure 1); wherein the web page templates are configured to implement a real-time account opening process that establishes new brokerage accounts in the brokerage account database, wherein the real-time account opening process includes; obtaining contact information (column 7, lines 1-43 and column 9, lines 7-24); creating a new record in the brokerage account database reflecting said contact information (column 9, line 57 thru column 10, line 2); obtaining brokerage account application information (column 11, lines 55-62); updating said new record in accordance with said brokerage account application information (column 12, lines 5-16); displaying a brokerage account contract (column 12, lines 5-16); and securing online agreement to said brokerage account contract (column 12, lines 32-48).

Claim 8, wherein the real-time account opening process further includes: after securing said online agreement, obtaining funding information relating to a financial account; automatically initiating a transfer of funds from said financial account into said brokerage account; and updating said new record with a buying power greater than zero (column 11, lines 55-62).

Claim 9, wherein the real-time account opening process further includes: displaying a confirmation page indicating successful completion of the real-time account opening process (column 13, lines 44-53).

Claim 10, wherein the real-time transfer of funds is an automated clearing house transfer from a checking account (column 11, lines 12-16).

Claim 12, wherein said securing is accomplished by an electronic signature column 2, lines 16-27).

Claim 14, wherein the web page templates are further configured to implement a trading order placement process (column 13, lines 44-53).

Regarding claim 15, Wallace discloses an online trading system that comprises: at least one computer coupled to a network and configured to maintain a brokerage account database (column 6, lines 20-28 and Figure 2); and at least one computer coupled to the network and configured to use a plurality of web page templates to service web page requests received over the network (column 3, line 57 thru column 4, line 4 and Figure 1); wherein the web page templates are configured to implement a real-time account opening process that establishes new brokerage accounts in the brokerage account database, at least one computer coupled to the network and configured to execute a principalling process on new brokerage accounts in the brokerage account database (column 13, lines 24-44 and column 15, lines 25-41).

Claim 16, obtaining an account type selection; providing a list of new brokerage accounts having the selected account type; obtaining an individual status designation for each of the new brokerage accounts listed, wherein said designation is indicative of accepted or non-accepted of

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the new brokerage accounts; obtaining a password; and if the password is valid, updating records of the new brokerage accounts to reflect the individual status designations (column 9, lines 57-67 and column 11, lines 3-16 and column 11, lines 55-62).

Claim 17, storing application information on accepted new brokerage accounts on archival media (column 5, lines 46-54).

Claim 18, at least one computer coupled to the network and configured to execute a fraud checking process on new brokerage accounts in the brokerage account database (column 13, lines 1-11).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 1-5, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallace et al. (hereinafter Wallace) U.S. Patent 6,968,317 in view of O'Shaughnessy U.S. Patent 6,484,151.

Regarding claim 1, Wallace teaches a method of securing an ownership interest in a publicly traded corporation wherein the method comprises: remotely providing account application information to an online brokerage (column 9, lines 7-36 and column 11, lines 3-16); electronically signing an account agreement authorizing the establishment of an online brokerage account with said online brokerage (column 2, lines 16-27); and authorizing a real-time transfer of investment funds to said online brokerage account (column 9, lines 25-36 and column 9, lines 57-67 and column 11, lines 3-16). Wallace fails to teach placing an online order using an abbreviation associated with said publicly traded corporation. O'Shaughnessy teaches a system and method for purchasing stocks over a computer network in which an online trading order uses an abbreviation associated with a publicly traded corporation (column 10, lines 39-63 and Table 3). It would have been obvious to modify the teachings of Wallace could have been modified to include the teachings of O'Shaughnessy because Wallace teaches that after the account is setup a customer is able to trade securities (column 13, lines 44-53) and the use of abbreviations provides an efficient common method of designated specific stocks/securities.

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Claim 2, wherein the real-time transfer of funds is an automated clearing house transfer from a checking account (column 11, lines 12-16).

Claims 3 and 11, Wallace teaches that the real-time transfer of funds includes transferring of funds from other accounts (column 11, lines 12-16). Wallace fails to specifically teach the other accounts are credit card accounts. Official Notice is taken that transferring fund from a credit card account is old and well known in the financial arts. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Wallace and specify that the transferring of funds is from a credit card account because it is an efficient and common account customers use for payment in funding during transactions.

Claims 4, 5 and 13 Wallace teaches that electronically signing includes: possessing authority to contract on behalf of a named individual and the account agreement specifies said named individual (column 12, lines 5-16 and column 2, lines 16-27 and column 9, lines 7-24). Wallace also teaches that the customer can disagree with the account application (column 12, lines 5-16). Wallace fails to specify that the agreement indicator is displayed adjacent to the account agreement. Official Notice is taken that an agreement indicator displayed adjacent to an account agreement is obvious and well known in the financial arts. Wallace teaches a webpage or email is used to send an account agreement to the customer and also allow the customer to sign the agreement (column 9, lines 57 thru column 10, line 8 and column 11, lines 3-32). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's

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invention to place the name adjacent to the agreement since they are contained on the same webpage or the same email since it provides an efficient layout for interaction with a customer.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted
Stefano Karmis
17 February 2006



VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600